

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA,

Case No. 8:03-CR-77-T-30TBM

v.

SAMI AMIN AL-ARIAN, et al.,

Defendants.

**MOTION OF SAMI AMIN AL-ARIAN FOR LEAVE TO AMEND
PROPOSED JUROR QUESTIONNAIRE ON THE BASIS OF RECENT
PREJUDICIAL PRETRIAL PUBLICITY**

The Accused, Sami Al-Arian, by and through undersigned counsel, hereby moves this Honorable Court for the entry of an Order permitting the Accused to amend the proposed juror questionnaire (Doc. 562). The grounds for this motion are as follows:

1. Emblematic of current national politics, the local Democratic primary for United States Senator has become polluted by acrimony and slander in which ads connected to the campaign treat Dr. Al-Arian as if he were already convicted of the charges in the pending indictment.
2. These ads have gotten substantial air time in the Middle District of Florida.
3. Candidate Peter Deutsch has aired a 30 second television ad, in the Tampa and Orlando markets, which describes Dr. Al-Arian as a "terrorist professor" and further contends that Dr. Al-Arian is connected to Al

Quaida by contending that “Al-Arian was calling the ’93 World Trade Center bombers.” See *Exhibit A*

4. The ad further claims, as its source of information, an article that appeared in the Miami Herald, June 29, 2004, attached hereto as *Exhibit B*. This article discussed affidavits from the FBI and immigration service agents in which it is *alleged* calls were placed from Dr. Al-Arian’s home to numbers associated with World Trade Center bombers.
5. On information and belief, re: the affidavit in question, **nowhere** is it alleged that Dr. Al-Arian was ‘calling the ’93 World Trade Center bombers’ as the ad so recklessly professes.
6. Candidate Deutsch has continued, in the local press, his vitriolic and troublesome attack against Dr. Al-Arian by calling him “the epitome of evil in [her] midst.” See *Exhibit C*.
7. A morass of websites has also sprung up parroting similar accusations against Dr. Al-Arian. The sentiments expressed in these websites invite legitimate concerns regarding the effects of race, religion, and nativism on members of the jury pool.
8. The opportunistic and negative campaign tactics, which have condemned Dr. Al-Arian, without due process or justice in any measure, will undoubtedly have a destructive impact on any potential jury pool.

WHEREFORE, counsel, on behalf of Dr. Al-Arian, respectfully request the Court enter an Order permitting Counsel for the Accused to propose further amendments on the juror questionnaire.

Dated: 26 August 2004

Respectfully submitted,

LINDA MORENO, ESQ.
1718 E. 7th Avenue
Suite 201
Tampa, Florida 33605
Telephone: (813) 247-4500
Telecopier: (813) 247-4551
Florida Bar No: 112283

WILLIAM B. MOFFITT, ESQ.
(VSB #14877)
Cozen O'Connor
1667 K Street, NW
Washington, D.C. 20006
Telephone: (202) 912-4800
Telecopier: (202) 912-4835